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February 17, 2023

VIA ECF

Hon. Gabriel W. Gorenstein  
United States Magistrate Judge  
United States District Court  
Southern District of New York  
500 Pearl Street, Courtroom 6B  
New York, NY 10007-1312

MEMORANDUM ENDORSED

Re: Hernandez v. 1268 2nd Ave LLC, et ano.  
Case No. 22-CV-7037 (GWG)

Dear Judge Gorenstein:

This firm represents the defendants in the above-referenced action. I write jointly with the consent of counsel for the plaintiff to respectfully request an extension of time until March 1, 2023 for the parties to submit their settlement agreement covering plaintiff's wage and hour claims asserted in this action pursuant to the Fair Labor Standards Act and New York Labor Law to the Court for approval pursuant to Cheeks v. Freeport Pancake House, Inc., 796 F.3d 199 (2d Cir. 2015).

The parties reached a settlement in principle of the plaintiff's claims at the mediation session held on January 24, 2023. Subsequently, Your Honor set a deadline of February 16, 2023 for the parties to submit their settlement agreement and Cheeks approval motion. The parties apologize to Your Honor for failing to abide by the Court's submission deadline, and respectfully request this brief extension of time until March 1<sup>st</sup> to allow counsel for the parties to finalize the written terms of the parties' settlement agreement and obtain all necessary signatures thereon before submitting the agreement to the Court for approval. This is the first request for such an extension of time. All parties consent to this request. No other deadlines would be affected by granting this request.

Extension to March 1, 2023, granted.

Respectfully Submitted,

So Ordered.

/s/Nils C. Shillito

  
GABRIEL W. GORENSTEIN  
United States Magistrate Judge

Nils C. Shillito (NS-6755)

February 17, 2023